

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

October 18, 2023

BY ECF

The Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: *October 24, 2023*

**RE: United States v. Franklin Grullon
23 Cr. 106 (PGG)**

Dear Judge Gardephe:

I write in the above-captioned matter to respectfully request early termination of Franklin Grullon's supervised release. Over the past 23 months, Mr. Grullon has complied with the conditions of supervised release and made great strides in rehabilitation. By all accounts, he is a model supervisee who is no longer in need of supervision. Neither the government nor probation object to this request.

Following Mr. Grullon's guilty plea to a narcotics conspiracy, in February 2019, Judge Stanley R. Chesler in the District of New Jersey imposed a sentence of 36 months' incarceration followed by three years of supervised release. *United States v. Grullon*, 18 Cr. 484 (SRC) (D.N.J.), Dkt. 21. Mr. Grullon was released from prison in November 2021, when he began his three year term of supervised release. *See* Ex. A at 2. Mr. Grullon has now completed nearly two years of his supervised release sentence. In that time, he has proved an exemplary supervisee. The statutory purposes of Mr. Grullon's supervision have been served. It is now appropriate for that supervision to be terminated.

* * *

On August 18, 2023, Franklin Grullon filed a motion for early termination of supervised release in the District of New Jersey. Ex. A. In response, the Court issued an order noting that Mr. Grullon's case had been transferred to the Southern District of New York. Ex. B. Accordingly, the Court dismissed Mr. Grullon's motion without prejudice, with instructions to refile the motion in

the Southern District of New York. *Id.* Mr. Grullon now moves for early termination of supervised release in the proper jurisdiction.

As set forth in his original motion, Mr. Grullon is eligible for early termination of supervised release. *See* Ex. A. And he remains committed to lawfully supporting his family, including his wife, Lucinlendey, and their 12-year-old daughter, Lisbel. *Id.* To that end, when Mr. Grullon first began his term of supervised release, he secured employment as a driver for Uber and Lyft. Unexpectedly, Mr. Grullon's driving accounts were unceremoniously suspended. The companies advised that because Mr. Grullon was on supervised release, they considered him to have an "open" criminal case; he was no longer permitted to drive for Uber and Lyft. Mr. Grullon was informed that he may not apply for the suspension to be lifted until he has completed his term of supervised release.

Undeterred, Mr. Grullon sought different work. *See* Ex. A at 4–5. But a career as a driver remains his priority. Recently, Mr. Grullon was offered a more lucrative position as a truck driver, work that would require him to travel to various states along the East Coast—MD, Washington, DC, PA, RI, CT, MA—which he simply cannot do while on supervised release. With regret, he declined the more profitable work. Once he completes his term of supervision and is able to travel freely, Mr. Grullon plans to reapply for the truck driver position.

The travel restrictions imposed by supervised release present an additional hurdle to Mr. Grullon's rehabilitation—the limitations inhibit his ability to reconnect with family. Mr. Grullon has a number of close relatives who reside out of state, but because of his supervised release, he has been shy to make repeated requests for permission to visit his loved ones. This has kept him from celebrating milestone events with his family, including weddings. Mr. Grullon looks forward to being able to travel without restriction, especially internationally, as he has family in the Dominican Republic.

Over the past two years, Mr. Grullon has developed an impressive record of compliance with his conditions of supervision. As the government and probation agree, further supervision is unnecessary to achieve the aims of supervised release. Accordingly, we request that the Court terminate Mr. Grullon's supervised release.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Marne L. Lenox, Esq.

Counsel for Franklin Grullon

cc: Counsel of Record
Brittany Valentine, U.S. Probation Officer